

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1049

AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 2-5-27.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "commission" refers to the commission on ~~mental retardation~~ **and** developmental disabilities established under section 2 of this chapter.

SECTION 2. IC 2-5-27.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. There is established the commission on ~~mental retardation~~ **and** developmental disabilities as a legislative study committee.

SECTION 3. IC 2-5-27.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission consists of the following members:

- (1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) The following members appointed by the governor:
  - (A) Three (3) members at large.
  - (B) One (1) member who is a consumer of ~~mental retardation~~

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~~or~~ developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of ~~mental retardation and~~ developmental disability services.

(D) Two (2) members who are representatives of families of consumers of ~~mental retardation and~~ developmental disability services.

(E) One (1) member who is a representative of an organization providing services to individuals with ~~mental retardation and~~ developmental disabilities.

(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

- (1) the term of a member appointed under subsection (a)(3) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 4. IC 2-5-27.2-4, AS AMENDED BY P.L.99-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for ~~mental retardation and~~ developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for their children ~~who have mental retardation~~ and adults with a developmental disability.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

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(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-12.7-2.

SECTION 5. IC 12-11-13-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The ombudsman shall prepare a report each year on the operations of the program.

(b) A copy of the report required under subsection (a) shall be provided to the following:

(1) The governor.

(2) The legislative council. The report must be in an electronic format under IC 5-14-6.

(3) The division.

(4) The members of the ~~Indiana~~ commission on ~~mental retardation~~ and developmental disabilities established by ~~P.L.78-1994~~.  
**IC 2-5-27.2-2.**

SECTION 6. IC 12-11-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ombudsman shall report:

(1) annually; or

(2) upon request;

to the ~~Indiana~~ commission on ~~mental retardation~~ and developmental disabilities established by ~~P.L.78-1994~~. **IC 2-5-27.2-2.**

SECTION 7. IC 12-12.7-2-19, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. The budget agency shall annually report to the health finance commission, the budget committee, and the commission on ~~mental retardation~~ and developmental disabilities the following information concerning the funding of the program under this chapter:

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(1) The total amount billed to a federal or state program each state fiscal year for services provided under this chapter, including the following programs:

(A) Medicaid.

(B) The children's health insurance program.

(C) The federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265).

(D) Any other state or federal program.

(2) The total amount billed each state fiscal year to an insurance company for services provided under this chapter and the total amount reimbursed by the insurance company.

(3) The total copayments collected under this chapter each state fiscal year.

(4) The total administrative expenditures.

The report must be submitted before September 1 for the preceding state fiscal year in an electronic format under IC 5-14-6.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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